

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 07 July 2020

1. CALL TO ORDER: Chairman Ron Jackson at 6:00 p.m.
2. QUORUM CHECK: Michael J. Cassata, Development Services Director

Commission Members present:

Ron Jackson, Chairman

Sally Cook, Vice-Chairman

Elizabeth Dixon, Member

Christina Fitzpatrick, Member

J Svalberg, Member

Ron Hannan, Member

Shelly Reynolds, Member

Zach Carlton, Member

Also present:

Kim Turner, City Manager

Commission Members Absent:

Scott Dagg, Secretary

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 02 March 2020

Ms. Cook moved to accept the minutes as presented. Ms. Fitzpatrick seconded the motion. The motion was approved on an 8-0 vote.

4. NEW BUSINESS:

- A. **Consider:** P.C. 529—A **Preliminary Replat** establishing Lot 17, Block 14, County Block 5047H, being a total of 2.440 acres; being a portion out of Lot 14, Block 14, County Block 5047H, Forum Crossing Subdivision, as previously recorded in Volume 9694, Page 169, of the deed and plat records of Bexar County, Texas **to establish the Forum Crossing – Biolife Subdivision.**

Chair Jackson introduced the item and explained the property owners are essentially splitting the lot in two.

Mr. Cassata confirmed this was the intent and also explained there is a shared parking and cross-access agreement between the two properties, which is identified on the proposed plat.

No one from the public provided comment.

Ms. Cook moved to approve the preliminary plat. Ms. Reynolds seconded the motion. **The motion was approved on an 8-0 vote.**

- B. **Consider:** P.C. 529— A **Final Replat** establishing Lot 17, Block 14, County Block 5047H, being a total of 2.440 acres; being a portion out of Lot 14, Block 14, County Block 5047H, Forum Crossing Subdivision, as previously recorded in Volume 9694,

No one from the public provided comment.

Ms. Cook moved to approve the final plat. Ms. Reynolds seconded the motion. **The motion was approved on an 8-0 vote.**

- C. **Public Hearing:** P.C. 528 & ZC 213—A request for text amendments to the following portions of the Code of Ordinances of the City of Universal City, Texas:
- a. Chapter 4-5 – Zoning, Section 4-5-71: to modify the Fence Requirements, including height and location requirements
 - b. Chapter 4-5 – Zoning, Section 4-5-83: to modify the Outdoor Storage and Display requirements, including fence height requirements for General Outdoor Storage
 - c. Chapter 4-5 – Zoning, Section 4-5-84: to establish a Commercial Trash Enclosure requirement
 - d. Chapter 4-5 – Zoning, Section 4-5-99 through 4-5-104: to establish Outdoor Residential Lighting requirements

Chair Jackson introduced the items and called on Mr. Cassata to provide background information.

Mr. Cassata explained the proposed text amendments under consideration are all part of the Zoning Code and, as dictated in the Code, require review by the P&Z Commission and a recommendation to the City Council.

Mr. Cassata began with the text amendment related to fences. He explained the provision related to back-to-back fencing will remain in the Code; that is, back-to-back fencing will continue to be prohibited. He also explained that staff is proposing to require that the nice side of the fence face out toward the public; that is, the posts and rails face internally toward the lot.

Ms. Reynolds asked what brought about these recommended changes. Mr. Cassata said these issues have repeatedly come up as issues by residents and businesses. Staff is trying to streamline the process on items that staff believes should be allowed by right. He also confirmed that staff is acting on direction from the Board of Adjustment to review the Zoning Code to reduce the number of variances required by residents and businesses.

He also confirmed this is step one in the process and staff would bring forward additional text amendments related to other sections in the Zoning Code over the next several months.

Ms. Turner provided examples of situations where higher fences are appropriate, including when residential properties are adjacent to businesses and apartment complexes.

Mr. Cassata explained that those types of situations would allow residents to install an eight-foot fence on the side of the property adjacent to the business or apartment complex, not the entire residential property.

A discussion ensued that included additional examples around town.

Upon inquiry from Chair Jackson, Mr. Cassata explained what a visibility triangle is and how it is measured.

Mr. Cassata explained the text amendment addresses front yard fence heights by allowing four-foot fences that are decorative, meaning they are at least fifty-percent transparent.

Upon inquiry from Ms. Svalberg, Mr. Cassata explained that electrified fences are allowed in the front yard, but not in the parkway.

Mr. Cassata explained that portions of the fence text amendment relate to the outdoor storage section of the Code. Specifically, businesses in the C4 and C5 Districts would be allowed to have an 8-foot fence, instead of the current 6-foot maximum allowed. He confirmed the proposed changes do not impact current code requirements for residential storage; that is, sheds and accessory structures. However, he did confirm that proposed changes to residential storage requirements will be included in a future text amendment proposal.

Mr. Cassata moved on to commercial trash enclosures. He explained that although new businesses and businesses going through a significant remodel have worked with the City on installing a trash enclosure per the City's detail, the detail is actually not codified. By including it as part of the Zoning Code, it will allow the City to substantiate the requirement. He also confirmed that staff is not and will not force this upon businesses that are not either constructing a new building or going through a significant remodel.

A discussion ensued around the types of dumpsters and whether oil/grease trap containers have to be included in the enclosure, which is not required.

Mr. Cassata turned to the next topic regarding outdoor residential lighting. He described the proposed text amendment and stated the overall goal is to reduce the glare on neighbors by way of downward lighting through shielding. He also stated the drafting of this text amendment came about as a result of several complaints from residents.

Mr. Cassata emphasized that staff would not be proactively searching for residential lighting issues but would instead investigate complaints received and make a determination that is reasonable. He pointed out the photo examples and highlighted the picture showing two versions of a light above a garage door, one shielded and the other non-shielded.

Chair Jackson stated that he believed the language in the text amendment would make every home in the City out of compliance.

Mr. Cassata re-emphasized that staff purposely inserted the term 'unreasonable glare' as a rule of thumb because this would allow staff to use common sense and proper judgment when assessing a light source, as well as the ability to justify their decision.

A discussion continued revolving around the terminology in the proposed text amendment. Additionally, several anecdotal examples were provided illustrating the issue.

Ms. Reynolds suggested including the word 'reasonably' in Section 4-5-100(6) and Chair Jackson agreed.

Upon inquiry, Ms. Turner explained the history and status of a dark sky ordinance related to Randolph Air Force Base. She concluded that an ordinance has not moved forward due to Air Force budgetary reasons.

Mr. Cassata confirmed that all new residential construction would be required to conform to these standards.

No one from the public provided comment.

Chair Jackson closed the public hearing at 6:53 p.m.

- D. **Consider:** P.C. 528 & ZC 213—A request for text amendments to the following portions of the Code of Ordinances of the City of Universal City, Texas:
- e. Chapter 4-5 – Zoning, Section 4-5-71: to modify the Fence Requirements, including height and location requirements
 - f. Chapter 4-5 – Zoning, Section 4-5-83: to modify the Outdoor Storage and Display requirements, including fence height requirements for General Outdoor Storage
 - g. Chapter 4-5 – Zoning, Section 4-5-84: to establish a Commercial Trash Enclosure requirement
 - h. Chapter 4-5 – Zoning, Section 4-5-99 through 4-5-104: to establish Outdoor Residential Lighting requirements

Chair Jackson reintroduced the items for consideration.

There being no further discussion by the commissioners, Ms. Svalberg made a motion by stating: Per Section 4-5-21 of the Zoning Code, the Planning and Zoning Commission has reviewed and considered the following proposed text amendments to the Zoning Code of the Code of Ordinances of the City of Universal City, Texas:

- 1. Chapter 4-5 – Zoning, Section 4-5-71: to modify the Fence Requirements, including height and location requirements
- 2. Chapter 4-5 – Zoning, Section 4-5-83: to modify the Outdoor Storage and Display requirements, including fence height requirements for General Outdoor Storage
- 3. Chapter 4-5 – Zoning, Section 4-5-84: to establish a Commercial Trash Enclosure requirement
- 4. Chapter 4-5 – Zoning, Section 4-5-99 through 4-5-104: to establish Outdoor Residential Lighting requirements

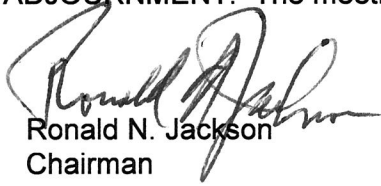
Therefore, I move to recommend to City Council approval of PC 528 and ZC 213 related to the above text amendments with the condition that the word 'reasonably' be added to Section 4-5-100(6) regarding outdoor residential lighting.

Ms. Reynolds seconded the motion. **The motion was approved on an 8-0 vote.**

Ms. Turner provided an update on the status of City construction on Aviation Boulevard and the EDC business community grants due to COVID-19. She also informed the P&Z Commission that it would be receiving an invite to the Aviation District Revitalization presentation scheduled for Thursday, August 13th at the Golf Course.

Chairman Jackson thanked everyone and adjourned the meeting.

5. ADJOURNMENT: The meeting adjourned at 7:10 p.m.


Ronald N. Jackson
Chairman

